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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES: Board of Massage and Bodywork
MEETING DATE AND TIME: Thursday, October 17, 2013 at 1:30 p.m.
PLACE: 861 Silver Lake Boulevard, Dover, Delaware
Conference Room B, second floor Cannon Building
MINUTES APPROVED: November 21, 2013

MEMBERS PRESENT

Holly Overmyer, Professional Member, President
Sandra Jachimowski, Professional Member, Vice-President
Kari Ainsworth, Professional Member
Gordon Gelley, Public Member
Rachel Dunning, Public Member

MEMBERS ABSENT

Sharon Harris, Public Member, Secretary
Patricia Schumann-Draper, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Eileen Kelly, Deputy Attorney General
Theresa Newman, Administrative Specialist II
Maggie Strauss, Administrative Specialist II

OTHERS PRESENT

Jennifer Argoe
Kim Stockslager
Dennis Minus
Brian Poore

CALL TO ORDER

Ms. Overmyer called the meeting to order at 1:31 p.m.

REVIEW OF MINUTES

The Board reviewed the minutes from the August 16, 2012 meeting. A motion was made by Mr. Gelley, seconded by Mr. Dunning, to approve the minutes as presented. The motion unanimously carried.

UNFINISHED BUSINESS

Re-Review of Applications

After re-review of the application Xiaoxia Zhao, a motion was made by Ms. Jachimowski, second by Ms. Gelley to create a follow-up letter of the proposal to deny letter stating that the Board did not receive a disposition on the prostitution charges as requested. Furthermore, the Board found that the school she attended was not an approved facility.

Proposal To Deny Hearing

Ms. Kelly called the hearing to order at 1:43 p.m. and stated that today's hearing was a result of the Board's proposal to deny the Certified Massage Technician application of Brian Poore. Ms. Kelly marked as Board Exhibit #1, a packet of documents for licensure including Mr. Poore's application, criminal background and supporting documents.

Mr. Poore was sworn in and agreed to proceed without legal counsel. He testified that the charges that resulted in this hearing are more than 5 years old. Since then, he has started school to become a massage therapist to better himself. He stated that he wants to move forward with his life and leave behind his past. Mr. Poore said he did not serve jail time as a result of the charges, and is not currently on probation. He also advised the board of his work experience. Mr. Poore testified to completing all terms of court order and is currently not on probation nor has any pending charges.

Mr. Poore called his first witness, Kim Stockslager, an instructor from Harris School. Ms. Stockslager is sworn in. Ms. Stockslager testified that Mr. Poore is a great student and displays nothing but professionalism. He has received positive feedback from clients, is very attentive in class, and she has definitely seen growth in Mr. Poore since he enrolled in the program in January. There were no questions from the Board for Ms. Stockslager.

Mr. Poore called his second witness, classmate Jennifer Argoe. Ms. Argoe is sworn in and testified that she feels Mr. Poore would be a great Massage Therapist. Ms. Argoe stated that she has been assisted by Mr. Poore in class studies and projects and that he is very competent in his work. She does not feel that he would be a threat to society working in this profession.

Mr. Poore respectfully asks the Board for the opportunity to work in the profession of massage.

Board goes into deliberations at 2:45pm. Mr. Gelley points out that the charges were over 5 years old and that he does not see reason to deny licensure.

A motion was made by Mr. Gelley, second by Ms. Dunning, to grant Mr. Poore a waiver and to approve his Certified Massage Technician license. The motion was unanimously carried. Verbatim testimony was audio recorded.

NEW BUSINESS

Ratification of Massage Technician Certifications

A motion was made by Mr. Gelley, seconded by Ms. Ainsworth, to approve the ratification of the Massage Technician application of Clenika Bailey, Erika Parlett, Felicia Catron, Shanel John, and Travis Richardson. The motion was unanimously carried.

Ratification of License Massage Therapists

A motion was made by Mr. Gelley, seconded by Ms. Ainsworth, to approve the ratification of the Massage Technician Certifications of Melissa Kinsey, Erika Winans, Michael Willis, Thomas Nolan,

Thomas Nolan, Michael Crawford, Jocelyn Staker, and Raechelle Walker. The motion was unanimously carried.

Complaint Status

20-09-10-Assigned to Hearing Officer
20-13-10-Office of the Attorney General
20-14-10-Assigned
20-16-10-Assigned
20-02-11-Office of the Attorney General
20-03-11-Office of the Attorney General
20-04-11-Assigned to Hearing Officer
20-05-11-Assigned to Hearing Officer
20-08-11-Office of the Attorney General
20-01-12-Assigned
20-02-12-Office of the Attorney General
20-03-12-Office of the Attorney General
20-07-12-Assigned
20-08-12-Office of the Attorney General
20-09-12-Office of the Attorney General
20-10-12-Assigned
20-11-13-Office of the Attorney General
20-12-13-Office of the Attorney General
20-13-13-Office of the Attorney General

Review of Applications-Eileen Kelly

A motion was made by Ms. Dunning, seconded by Mr. Gelley, to approve the Massage Technician application of Dennis Minus and Evans Philip. The motion was unanimously carried.

Review and Consider Orders

A motion was made by Mr. Gelley, seconded by Ms. Dunning to add Marvin Duncan to the agenda under 4.5.4. The motion was unanimously carried.

Board orders of Caroline Victor, Kimberly Blanch, Mary Cummings, and Marvin Duncan were reviewed and signed by the board.

Discussion of Rules and Regulations for Chaperone Requirements

Ms. Kelly advised the Board on the need to draft a form for chaperone requirements when working on a client/patient that is a minor. The Board suggested adding a question to the form stating that the adult with the minor is the parent or legal guardian and is allowing the minor to receive services. Ms. Kelly went on to suggest placing a sign on the wall of the establishment citing the law pertaining to chaperones and a form to sign off on. Ms. Kelly will create a draft form to present to the Board.

CORRESPONDENCE

A letter from Barbara Uniatowski was related to a complaint and was not able to be read at the Board meeting.

Ms. Overmeyer read aloud a letter from Helen Ryan pertaining to advice on malpractice prevention. The Board requested Ms. Newman respond to Ms. Ryan that they do not provide legal advice and to possibly contact a national organization regarding her inquiry.

Ms. Newman read aloud an email from Anthony Jusevitch from the Florida Board of Massage, requesting information on how the State of Delaware is handling fraudulent transcripts possibly connected with human trafficking. A response was written by Ms. Mast, the Administrative Supervisor, advising Mr. Jusevitch on the current process the division is using to handling the influx of applications that are questionable due to fraudulent transcripts. Board review is required for all red flags during the credentialing process.

OTHER BUSINESS

Ms. Newman advised the board of her recent attendance to the FSMTB conference in Baltimore, MD. She spoke of her interactions with board liaisons from other states and how they were handling the current human trafficking issues in the profession. Ms. Newman was also briefed on the system that will be implemented for all FSMTB members to utilize for disciplinary records of each state. That system is due to go live December 2013.

Ms. Mast and Ms. Newman addressed the board with a current issue a student has advised the division about regarding her application. It was advised for the student to file a complaint with the Division of Professional Regulation, Department of Education, and possibly with her school administration.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting is scheduled for November 21, 2013 at 1:30 p.m.

ADJOURNMENT

There being no further business, a motion was made by Ms. Dunning, seconded by Mr. Gelley, to adjourn the meeting. The motion was unanimously carried. The meeting was adjourned at 3:17 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Theresa Newman". The signature is written in a cursive, flowing style.

Theresa Newman
Administrative Specialist II